

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MARCELLE CRYSTAL BITON AKA  
SAPHYRE REDFORD,

Plaintiff,

-against-

JOE TURCO, et al.,

Defendants.

19-CV-11960 (CM)

ORDER OF DISMISSAL  
UNDER 28 U.S.C. § 1651

COLLEEN McMAHON, Chief United States District Judge:

Plaintiff, identifying herself as Marcelle Crystal Biton, files this complaint. She has previously filed frivolous actions under multiple names, including Danielle Biton, Crystal Biton, Charlene Michelle Biton, and Saphyre Redford. On December 22, 2011, Plaintiff was barred from filing any new action *in forma pauperis* (“IFP”) without first obtaining from the Court leave to file. *See Biton v. Clinton*, ECF 1:11-CV-6160, 6 (S.D.N.Y. Dec. 22, 2011). Plaintiff files this new *pro se* case, seeks IFP status, but has not sought leave from the Court. The Court therefore dismisses this action without prejudice for Plaintiff’s failure to comply with the December 22, 2011 order.

The Clerk of Court is directed to assign this matter to my docket, mail a copy of this order to Plaintiff, and note service on the docket.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith and therefore IFP status is denied for the purpose of an appeal.

*See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: January 6, 2020  
New York, New York

A handwritten signature in black ink, appearing to read "Colleen McMahon", is written over a horizontal line.

COLLEEN McMAHON  
Chief United States District Judge